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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,771	08/25/2003	John H. Jaksch	2430/115	2762
7590 02/26/2004 CARDINAL LAW GROUP Suite 2000 1603 Orrington Avenue Evanston, IL 60201			EXAMINER KIM, EUGENE LEE	
			ART UNIT 3721	PAPER NUMBER

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/647,771

**Applicant(s)**

JAKSCH, JOHN H.

**Examiner**

Eugene L Kim

**Art Unit**

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tani (#5,412,925). Tani shows friction roller means 22 and take-up spool 23, which takes material from a portion of the roller means 22 to be taken up onto a spool. The roller means must be mounted on some means but no specific means are shown. Examiner takes official notice that it is well known in the art to connect rollers to roller means. The web material is guided to the roller means 22 by movement of the roller means. It appears that the portion of web material, which wraps the drive roller, comprises at least 180 degrees around the perimeter from the figures. The examiner takes official notice that folding rollers and belt means to operatively connect rollers is well known in the art. Examiner also takes official notice that it is well known in the art to use guideposts to guide web materials. The actual product in apparatus claims has no significance in determining patentability. See *ex parte Thibault*, 164 USPQ 666, 668 (Bd. App. 1969). Regarding the actual material that makes up the rollers, such as, sponge-like material, neoprene, or aluminum, the examiner notes that mere selection of known material on the basis of suitability for the intended use would be entirely obvious. See *in re Leshin*, 125 USPQ 416 (CCPA 1960).

3. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tani in view of Tinklenberg (#4,411,644). Tani substantially show the method of wrapping web material around roller 22 and rotating a take up spool 23 taking up the web material as claimed. However, Tani does not show the backing paper as claimed. Tinklenberg shows a tab spindle reel 38 to feed tabbing material and also discloses that backing material may be used (col 3 lines 60, col 4 lines 25+ and col 7 lines 29+). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Tani with backing paper means as taught by Tinklenberg as a matter of unwinding a desired web material. Regarding claim 15, Tinklenberg discloses that the backings may be united in passing between grooved rollers (col 7 lines 30+). Examiner takes official notice that peel plates are well known in the art as well as providing tension in the web material as claimed by rotating the rollers to particular distances.
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Noble et al disclose the use of rubber rollers and aluminum rollers. Josephy et al disclose the use of peel plates (col 2 lines 6+).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene L Kim whose telephone number is 703 308-1886. The examiner can normally be reached on Tuesday-Friday 8 a.m. to 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Eugene Kim", written in a cursive style.

**EUGENE KIM  
PRIMARY EXAMINER**